

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANTONIO WILLIAM FLEMING
and ANTOINE SCOTT FLEMING, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

REGINA SELACE MCDOWELL,

Respondent-Appellant,

and

RICHARD SCOTT FLEMING,

Respondent.

UNPUBLISHED

June 12, 2007

No. 274674

Wayne Circuit Court

Family Division

LC No. 03-420369-NA

Before: Fitzgerald, P.J., and Sawyer and O'Connell, JJ.

PER CURIAM.

Respondent appeals as of right from the order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination has been established by clear and convincing evidence. *In re CR*, 250 Mich App 185, 194-195; 646 NW2d 506 (2002). This Court reviews that finding under the clearly erroneous standard. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). When the trial court assumed jurisdiction over the children in August 2003, it found respondent had environmentally and medically neglected the children by housing them in deplorable conditions, which caused them to become sickened by lead poisoning. The adjudicated petition also alleged that respondent was possibly mentally ill and, over the course of the next three years, numerous psychological and psychiatric evaluations were conducted in an attempt to accurately diagnose and treat respondent. In the meantime, respondent consistently attended counseling and at least three sets of parenting classes, regularly visited the children (except for a four-month period of time in 2005), and adhered to her mental health treatment, which included the administration of two psychotropic medications starting around June 2005. Unfortunately, despite all of respondent's efforts and the services provided by petitioner,

respondent's mental health appeared to deteriorate and, by the time of the second termination proceeding in October 2006,¹ she was suffering from psychotic episodes. An October 2006 psychiatric evaluation reported respondent had a "very poor" prognosis in being able to parent the children, and the evaluating psychiatrist testified of her concern that respondent's paranoia and delusional beliefs might place the children at risk of harm should they be returned to respondent's care. Respondent's therapist verbally reported to the DHS worker that respondent had made no progress in the four to six months leading up to the termination proceeding. In addition, respondent had not yet obtained independent housing or secured a stable residence with a relative. Lastly, both children had a history of attention deficit hyperactivity disorder. Based on this evidence, the trial court did not clearly err in basing termination upon MCL 712A.19b(3)(c)(i), (g), and (j).

Once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court is required to order termination of parental rights, unless the court finds from evidence on the whole record that termination is clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 353. In this case, there was evidence that the bond shared between respondent and the children was more a friendship bond than a parent/child bond. Both children had special needs and had indicated a preference to stay with the foster mother, with whom they had lived for over three years. Lastly, it was extremely important that the children not be placed into a home where there was a reasonable likelihood their safety would be at risk. Given this evidence, the trial court did not clearly err in its best interests determination.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ David H. Sawyer

/s/ Peter D. O'Connell

¹ In the first termination proceeding in November 2005, the trial court refused to terminate respondent's parental rights.